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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,543	03/01/2004	Chi-Chung Wang	CFP-015800 (15745/444)	3350
23595	7590	08/10/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			EPPS, TODD MICHAEL	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/791,543	<b>Applicant(s)</b> WANG, CHI-CHUNG	
	<b>Examiner</b> Todd M. Epps	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 3/1/2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 8 is/are rejected.
- 7) ☒ Claim(s) 2-7, and 9-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*[Handwritten mark]*

### **DETAILED ACTION**

This is the first Office Action for serial number 10/791,543, Adjustable Garment Rod, filed on March 1, 2004.

#### ***Specification***

The specification is objected to because, on page 1, line 24, "upper lips (615)" should be --upper lips (611)--.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art (fig. 7), which the applicant submitted in view of U.S. Patent No. 6,354,549 B2 to Sweere et al. (Sweere), further in view of U.S. Patent No. 473,919 to Edsall. With reference to Fig. 7, a conventional adjustable garment rod (6) in accordance with prior art discloses a mounting bracket (60) having an arm slot in a vertical direction, an inner housing mounted pivotally in the arm slot and having an arm passage with a front and rear openings, and a resilient element holder; a resilient element (75) having two free ends bent; a suspension arm (70) mounted in the inner housing and having an

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insert slidably extending into and retractably held in the arm passage through the front opening. The prior art from fig. 7 fails to disclose toothed ratchets, toothed ratchet surfaces, and toothed protrusions.

Attention is directed to Sweere reference, which shows toothed ratchets, toothed ratchet surface, and one long toothed protrusion, which covers on both ends with one instead of two. The long toothed protrusion can be cut in half, which become two pieces.

Attention is directed to Edsall reference, which shows an adjustment joint for display frames with one toothed ratchet, toothed ratchet surface, and one toothed protrusion.

Accordingly, it would have been obvious to one ordinary skill in the art at the time the invention was made to have the prior art shown in fig. 7 with adjustment garment rod with toothed ratchets, toothed ratchet surfaces, and toothed protrusions as taught by Sweere, and with toothed ratchet, toothed ratchet surface, and toothed protrusion by Edsall wherein doing so would provide thereof convenience to adjust the rack with one hand.

Regarding claim 8, the prior art from Fig. 7 discloses a post sleeve (62) to mount the garment rod on a post (69), an outer housing (61) mounted on the post sleeve (62), a stationary half casing integrally formed on the post sleeve (62), a fastener mounted and held in the through holes of the detachable half casing and the stationary half casing, wherein the fastener pivotally holds the inner housing in the arm slot. The prior art from fig. 7 fails to disclose a stationary half casing integrally having the first toothed

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ratchet surface, and a detachable half casing having the second toothed ratchet surface.

Attention is directed to Sweere reference, which shows first toothed ratchet surface, and second toothed ratchet surface.

Attention is directed to Edsall reference, which shows an adjustable joint for display frames with one toothed ratchet, toothed ratchet surface, and one toothed protrusion. Accordingly, it would have been obvious in one ordinary skill to have the prior art from fig. 7 with the toothed ratchets by Sweere, and Edsall, wherein it would be convenience to make it easier to move the rod in less amount of time with one hand.

### ***Allowable Subject Matter***

Claims 2-7, and 9-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to teach a mounting bracket to the wall, toothed protrusions, and multiple annular holes completely through the suspension arm.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,829,349 to Fitzgerald

U.S. Patent No. 5,452,875 to Kern.

U.S. Patent No. 3,550,891 to Scott

The above references disclose structure similar to the applicant's invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd M. Epps whose telephone number is 571-272-8282. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Todd M. Epps  
Patent Examiner  
Art Unit 3632  
August 5, 2005

A handwritten signature in black ink, appearing to read 'A. Epps', with a stylized flourish at the end.